

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

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|---------------------------------|---|-----------------------|
| IN THE MATTER OF THE SUSPENSION | : | |
| OR REVOCATION OF THE LICENSE OF | : | |
| | : | ADMINISTRATIVE ACTION |
| MARIANNE BUCKLEY, LPN | : | |
| License No. 26NP01883300 | : | FINAL ORDER OF |
| | : | DISCIPLINE |
| TO PRACTICE NURSING IN THE | : | |
| STATE OF NEW JERSEY | : | |

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Marianne Buckley ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey and has been a licensee at all times relevant hereto.

2. A Final Consent Order was filed on June 5, 2000 based upon findings that Respondent engaged in professional misconduct and the use of fraud, deception, dishonesty and/or misrepresentation on repeated occasions in the context of obtaining controlled dangerous substances without authorization. As a result, Respondent's license was suspended and she was

ordered and agreed to a) refrain from nursing practice, b) not represent herself as a nurse nor engage in any service within the scope of nursing practice, c) continue employment with a particular practice providing she did not have any access to or responsibility for administering or dispensing any controlled drugs or narcotics, d) not hold herself out as a nurse, and e) pay costs in the amount of \$7,215.78 at the rate of \$150 per month.

3. Respondent's license remains suspended pursuant to the Final Consent Order and no further Order of the Board has been filed reinstating her license.

4. The Board received information indicating that the Enforcement Bureau of the New Jersey Division of Consumer Affairs and the Drug Enforcement Administration (DEA) conducted an office inspection at Advanced Urgent Care in June 2012. Respondent was employed as Office Manager of the practice in July 2011 and held herself out as a nurse by signing LPN after her name.

5. Respondent represented herself as a nurse by signing LPN after her name in June 2011.

6. Respondent, whose initials are "MB" on the Medication Dispensed Log, dispensed medication on June 26, 2011 and June 28, 2011.

7. Respondent, whose initials are "MB" on the Injectable Meds Log, gave injectable medication on May 19, 2011.

8. Respondent, whose initials are "MB" on the Medication Log, dispensed medication on May 27, 2011 and on an unknown date.

9. Respondent, whose initials are "MB" on the Adipex Log, dispensed a controlled substance, Adipex (generic name is phentermine), on April 28, 2011, May 5, 2011, May 6, 2011, and May 10, 2011.

CONCLUSIONS OF LAW

By signing as an LPN, Respondent repeatedly held herself out as a nurse and represented herself as a nurse in violation of the Board Order. By dispensing medication and injecting medication, Respondent engaged in services within the scope of nursing practice in violation of the Board Order. By dispensing Adipex, Respondent had access to and dispensed a controlled drug in violation of the Board Order. Respondent's failure to comply with a Board order is deemed professional misconduct pursuant to N.J.A.C. 13:45C-1.4, which subjects Respondent to discipline pursuant to N.J.S.A. 45:1-21(e). Additionally, the Board finds that Respondent engaged in the unlicensed practice of nursing while her license was suspended in violation of N.J.S.A. 45:11-27(d) and N.J.S.A. 45:11-37(d).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 7, 2014 and a copy was forwarded to Respondent's last known address by means of both regular and certified mail. The receipt for the certified mail was signed by Respondent upon delivery. The regular mail was not returned. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Although the record reflects that the Provisional Order was served upon Respondent, no response has been received to date. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and that the Provisional Order should be made final. Respondent cannot evade discipline by failing to respond.

ACCORDINGLY, IT IS on this 6th day of October, 2014,

ORDERED that:

1. A ten thousand dollar (\$10,000) civil penalty is hereby imposed upon Respondent for violating a Board Order and for engaging in the unlicensed practice of nursing while her license was suspended. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

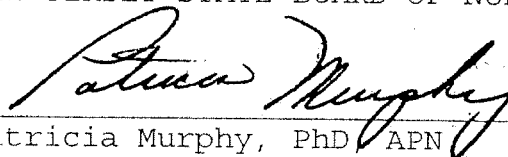
2. The Board will not accept any application for reinstatement of Respondent's license unless and until Respondent pays the full civil penalty herein imposed, as well as any and all costs imposed by the June 5, 2000 Final Consent Order, successfully completes an LPN refresher course, re-takes and passes the National Council Licensure Examination for Practical Nurses (NCLEX-PN), and complies with all regulatory requirements.

3. The terms of the June 5, 2000 Final Consent Order remain in full force and effect.

4. Respondent shall cease and desist from practicing as a nurse and shall not represent herself as a nurse until such time as her license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for an additional charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD APN
President